



CONCORD POLICE DEPARTMENT

General Order # 99-03

Manual Code: 1.05

Section: OPERATIONS

Effective Date: 03/03/1999

Accreditation Standard Reference: 1.2.4f, 61.1.11

Revised Date: 10/30/2017

Authorized Signature:

Pages: 3

Motor Vehicle Inventory

Purpose

To provide guidelines to departmental personnel who have occasion to impound vehicles of private citizens and others as a result of an arrest, criminal investigation or other legal and proper police purpose. Officers shall conduct an inventory of impounded vehicles prior to removal. When an arrest is involved, if possible, the inventory should be conducted by the arresting officer and in the presence of the arrestee. The purpose of the inventory is threefold:

- To protect the property of the owner;
- To protect the impounding officer, the police department, and The Town of Concord from false liability claims, and;
- To protect the public from danger.

Policy

It is the policy of the Concord Police Department to conduct thorough and lawful motor vehicle inventories of all vehicles ordered impounded. It is also the Policy of the Concord Police Department to conduct thorough and lawful motor vehicle inventories of all vehicles that they have towed. The motor vehicle inventory shall be for the purpose of securing all valuable property when a person is arrested or otherwise taken into police custody.

Additionally, motor vehicle inventories shall be conducted on all vehicles that are taken into custody for any other purpose.

Such inventories are to be conducted in observance of the constitutional rights of the owner and occupants of the motor vehicle being inventoried, and with due regard for the safety of all officers, and other persons and property involved.

Continued on next page

Motor Vehicle Inventory, Continued

Determination to Tow

Towing Guidelines

Unless the vehicle must be towed as evidence, or is considered a hazard, the owner or operator of the vehicle may elect to leave the vehicle legally parked and secured on the public street.

The owner of the vehicle, or the operator in the absence of the owner, may indicate that he/she desires that the vehicle be removed to some other location or disposed of in some other legal manner.

The officer at the scene will comply with the request unless it is unreasonable or unlawful to do so.

NOTE: The citizen cannot leave the vehicle at such location for more than 72 hours or it will be cited as an abandoned vehicle and towed.

If the operator is incapacitated and unable to make decisions regarding the safekeeping of the vehicle, the officer shall have it towed to a proper place for safekeeping.

If the owner or operator of the vehicle fails to direct the officer(s) to dispose of the vehicle or leave it at the scene, it shall be taken into custody and brought to the police station or some other safe or appropriate location for storage.

Melanie's Law [61.1.11]

As defined in Chapter 122 of the acts of 2005 (increasing penalties for drunk drivers in the Commonwealth), when a person is arrested for operating under the influence of intoxicating liquor and refuses to submit to a chemical test or analysis of his/her breath or blood, the arresting officer shall "impound the vehicle being driven by the operator and arrange for the vehicle to be impounded for a period of 12 hours after the operator's refusal, with the costs for the towing, storage, and maintenance of the vehicle to be borne by the operator". (*Melanie's Law*)

Motor Vehicle Inventory Guidelines

Inventory Procedures [1.2.4 f]

When any member of this department has occasion to take custody of and impound a vehicle in accordance with proper police procedure and Massachusetts General Laws, a motor vehicle inventory shall be conducted within the scope of this policy. The officer shall adhere to the following guidelines:

Inventory Procedures
(continued)

- Advise the owner, if present, or operator that his/her vehicle will be taken to the police department or other storage facility and that an administrative inventory of the vehicle's contents will be conducted;

Inventory Procedures

- Conduct the inventory in the presence of the vehicle's owner or operator, if safe to do so;
- If the vehicle is brought into police custody without contemporaneous contact with the owner, or if the operator is incapacitated or unable to prove ownership, there is no need to advise him/her of the options;
- Absent exigent or other extenuating circumstances vehicles should be inventoried at the scene of the impoundment.

If exigent circumstances or the safety of the officers, or other persons is in question, the inventory shall be conducted as soon as possible at the predetermined storage area or other location. Inventories shall be conducted of all vehicles brought into police custody.

Scope of Inventory

Scope of Inventory Procedure

The inventory search shall consist of, at a minimum, the following:

- A survey of the vehicle's exterior for damage;
- A check of the interior of the vehicle for valuables or items to be placed in storage for safekeeping. The scope of the inventory shall be limited to carry out the purpose of this policy and shall; therefore, extend only to those areas likely to contain valuables. Any unlocked container (i.e. trunk, glove compartment, console, ashtrays, and all other unlocked containers) shall be opened and the contents inventoried, if they could contain personal property.
- Any locked container for which the arrestee has a key among his/her other personal belongings shall be opened and its contents inventoried, if they could contain personal property.
- Any locked container for which there is no key shall be opened only if police have reasonable suspicion to believe that the container contains any item posing a threat to the safety and security of the police and/or public.
- Papers, documents, or other writings found in the motor vehicle or within any container inventoried may be examined only to the extent necessary to ascertain the identity of the vehicle's owner.

Continued on next page

Motor Vehicle Inventory, Continued

Scope of Inventory Procedure (continued)

- List on the department motor vehicle inventory/tow report form the items of apparent value found in the vehicle and note the disposition of items; returned to owner/operator, left in m/v, etc. If more space is needed then is provided in the original form, use a second tow report form, completing the vehicle description, time and date sections, and numbering the pages.
 - If, during an inventory, contraband or evidence of a crime is discovered, the item(s) shall be seized and handled in accordance with department policy.
 - After an inventory is conducted a department motor vehicle inventory/tow report form shall be completed. This form shall be submitted and retained with the officer's report of the incident giving rise to the inventory search.
 - Any personal property removed from the vehicle will be properly tagged and processed in accordance with department policy with regard to possessed property. If the motor vehicle is to be kept in a secure area, the inventoried items may be secured in the vehicle itself
-